IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17306 of 2003

Between:

1 Sri Kalyani Agencies rep by its Proprietor Ch. Balaji Rao
S/o Narasimha Swmamy, R/o Dowleswaram,
East Godavari District
2 Ch. Tirupathi Rao S/o Narasimha Swamy
R/o Dowelswaram, East Godavari District
3 Ch. Sita Ratnam W/o Narasimha Rao
R/o Dowelswaram, East Godavari District

..... PETITIONERS

AND

1. The Government of India rep by its Secretary, Finance and Department of Economic Affairs, New Delhi

2. The Chief Manager/Authorised Officer,

Andhra Bank, Zonal Office,
Kakinada, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of mandamus declaring the impugned Notice dated:
8-2-2003 issued by the 2nd respondent Bank as illegal, arbitrary, violative of Basic Principles of Rule of Law and as the provisions of Section 13 of Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 are arbitrary illegal, ultra vires and unconstitutional

Counsel for the Petitioner :MR.V.S.N.SARMA

Counsel for the Respondents: Mr. A.Rajasekhara Reddy,

S.C. for Central Govt. for R-1

Mr. Nuty Rammohan Rao for R-2

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002 dated

8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

02-08-2004

bsc

To

1. The Secretary, Finance and Department of Economic Affairs, Government of India
, New Delhi

2. The Chief Manager/Authorised Officer,

Andhra Bank, Zonal Office,
Kakinada, East Godavari District

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